

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2892 - SB 3426**

March 11, 2012

**SUMMARY OF BILL:** Requires a judge to revoke a defendant's participation in a domestic violence intervention program and order execution of the original sentence if the defendant is convicted of a subsequent domestic assault offense while attending the program. Requires the sentence imposed for the subsequent violation and the original sentence to run cumulatively.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Under current law, as a condition of any sentence imposed upon a person convicted of domestic assault, the sentencing judge may direct the defendant to complete available counseling programs that address violence and control issues. If the defendant knowingly fails to complete such an intervention program, it is a violation of the defendant's alternative sentencing program and the sentencing judge may revoke the defendant's participation in such program and order execution of the defendant's sentence.
- According to the District Attorneys General Conference (DAGC), 61 percent of domestic assault offenses are committed by first-time offenders. Any increase in the caseloads of the DAGC can be accommodated within existing resources without an increased appropriation or reduced reversion.
- According to the Administrative Office of the Courts (AOC), any increase in the case loads of the court system can be accommodated within the existing resources.
- Any increase in the length of incarceration for such an offender depends upon the length of the original sentence; the number of days, if any, the offender had served on the original sentence at the time the second offense was committed, and the nature and length of the second sentence that will run cumulatively. Because the statute requires a conviction on the second offense and not just merely a charge; because both offenses are misdemeanors; and because the statute merely terminates participation in one specific program, any increase in the incarceration time is estimated to be not significant.
- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc